

UNITED STATES DISTRICT COURT
FOR THE
SOUTHERN DISTRICT OF NEW YORK

YAAKOF KATZ,)
Plaintiff,)
-v.-) Civil Action No. 11-CV- 9411 (TPG)
SLICE & CO. FINE GOURMETY BRICK)
OVEN PIZZA, INC., CARDNET GROUP
CORP., and METABANK)

Defendant(s).)

ABDULRAHMAN MUBAREZ, being duly sworn on oath, deposes and states as follows:

1. I am the President of Cardnet Group, Corp., currently located at 19-79 Steinway Street, Astoria, New York, New York 11105.
2. At all times relevant to this matter, I operated and was responsible for the operation of the ATM machine located at 527 6th Avenue, New York, New York 10009. (The "ATM").
3. On November 28, 2011, I noticed that the ATM was affixed with a sticker (the "On-Machine Notice" or "Fee Notice Sticker") indicating that the ATM charged a fee to customers. I initially affixed the ATM with the sticker when the ATM was first installed.

4. On December 5, 2011, immediately learning that the ATM lacked the On-Machine Notice, I affixed it to the ATM.

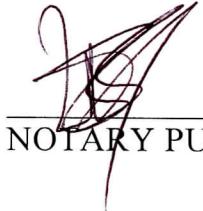
5. There were only 122 transactions that occurred between November 28, 2011 and December 5, 2011.

FURTHER YOUR AFFIANT SAYETH NOT



ABDULRAHMAN MUBAREZ

Sworn on this 19th date of November, 2012



NOTARY PUBLIC

ZAKARIA A. ISSA
Notary Public, State of New York
No. 01IS5014981
Qualified in Queens County, 2015
Commission Expires July 12, 2015